

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 1
Entered: June 29, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences Inc.,
Junior Party,
(Application 11/537,681,
Inventors: Ying-Fei Wei, Brent L. Kreide, and
Craig A. Rosen),

v.

Wei Wang, Kurt C. Gish, Thomas J. Schall,
Alain Vicari, and Albert Zlotnik ,
Senior Party,
(Patent 6,723,520).

Patent Interference 105,697 (RES)
Technology Center 1600

DECLARATION – 37 CFR §41.203(d)

1 An interference is declared (35 U.S.C. § 135(a)) between the above-
2 identified parties. Details of the application(s), patent (if any), reissue application
3 (if any), count and claims designated as corresponding or as not corresponding to
4 the count appear in Parts E and F of this DECLARATION.

1 Part A. Judge managing the interference

2 Administrative Patent Judge Richard E. Schafer has been designated to
3 manage the interference. 37 CFR § 41.104(a).

4 Part B. Standing order

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 Part C. Initial conference call

8 A telephone conference call to discuss the interference is set for 4:00 p.m.
9 on August 25, 2009 (the Board will initiate the call).

10 No later than two business days prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A time periods for taking action during the motion phase are set in an order
14 accompanying this declaration.

15 Part D. Identification and order of the parties

16 Junior Party

17 Named inventors: Ying-Fei Wei, Berkley, CA
18 Brent L. Kreide, Bedford, MA
19 Craig A. Rosen, Laytonsville, MD

20 Involved Application: 11/537,681 filed October 2, 2006

21 Title: Antibodies to Chemokine Beta-15

22 Assignee: Human Genome Sciences, Inc.

23 Senior Party

24 Named Inventors: Wei Wang, Palo Alto, CA
25 Kurt C. Gish, Sunnyvale, CA
26 Thomas J. Schall, Menlo Park, CA
27 Alain Vicari, Mountain View, CA
28 Albert Zlotnik, Palo Alto, CA

Involved Patent : 6,723,520 issued from Application 10/039,659,
filed January 3, 2002

Title: Mammalian Chemokine Reagents

Assignee: No assignment of record

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part E. Count and claims of the parties

Count 1

A method for detecting a polypeptide selected from chemokine β -15 or TECK in a biological sample comprising contacting the biological sample with an antibody or fragment thereof that specifically binds to a polypeptide defined by (1) Seq. ID No. 2 of Application 11/537,681 or (2) Sequence ID No: 4 of Patent 6,723,520 or (3) an antigenic fragment of (1) or (2) to form a complex and detecting the complex.

The claims of the parties are:

Application 11/537,681: Claims: 19-44

Patent 6,723,520: Claims: 1-22

The claims of the parties that correspond to Count 1 are:

Application 11/537,681: Claims: 19-44

Patent 6,723,520: Claims: 1-22

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Application 11/537,681: Claims: None

Patent 6,723,520: Claims: None

Benefit

The parties are accorded the following benefit for Count 1:

Human Genome Sciences, Inc.: None

Wang et al. : None

Part F. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

Filed on behalf of: *Party @*.

Paper *Leave blank*

By: *Counsel Name(s) @*

Address @

(*@@@*) *@@@* - *@@@@* (telephone)

(*@@@*) *@@@* - *@@@@* (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences Inc.,
Junior Party,
(Application 11/537,681,
Inventors: Ying-Fei Wei, Brent L. Kreide, and
Craig A. Rosen),

v.

Wei Wang, Kurt C. Gish, Thomas J. Schall, and
Alain Vicari, Albert Zlotnik,
Senior Party,
(Patent 6,723,520).

Patent Interference 105,697 (RES)
Technology Center 1600

1 Part G. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts D and E of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,723,520
Copy of claims of Application 11/537,681

cc (via overnight delivery):

Attorney for Human Genome Sciences Inc.

Mark J. Hyman, Esq.
Human Genome Sciences Inc.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, MD 20850

Attorney for Wang et al.

Sheela Mohan-Peterson, Esq
DNAX Research, Inc.
901 California Avenue
Palo Alto, Ca 94304-1104